

HARRY THAW'S WIFE AND MOTHER ON WITNESS STAND

New York, Fisher & Ryley, at the Casino, employed Evelyn for the chorus for "Florodora," she said. Jerome's objections barred out dozens of questions touching on this and earlier phases of the girl's life.

As young Mrs. Thaw continued her testimony it was evident that she had planned a campaign of objection, objects which in her testimony on the former trial Evelyn Thaw was permitted to explain, and even dwell upon, were promptly objected to today by the District Attorney and in many of these objections was sustained. It was a novel experience for the former chorus girl, and she plainly resented the obstructions. Her eyes flashed a fire of reproaches. She straightened up in her seat defiantly and flashed angry glances at times at the prosecutor, Jerome, who persisted in standing between Evelyn Thaw and her husband.

Jerome Annoys Witness.

Jerome persisted in keeping his obstructing position. This visibly annoyed the young woman, while it kept her husband bubbling about his chair-like anatomy to say, as he tried vainly to see his wife around Jerome's back.

"When you went to rehearsal at the Casino did you accompany your?" asked Littleton. Jerome stopped the answer in an objection.

Q. Where did you live while in the Casino company? A. Part of the time in Thirty-eighth street, near Fifth avenue, and part of the time in the Audubon Hotel, opposite the theatre.

Q. After you left the Casino company, where were you employed? A. I joined the company playing in the "Wild Rose."

Q. From the Audubon, where did you move? A. To the Hotel Wellington, my mother and myself.

Q. After the "Wild Rose" company closed, where were you employed? A. Miss Osborn's playhouse in the play "Tommyrot." I was there only about a week. In the fall of 1907 I went to Miss De Miller's school, near Pompton, N. J. I stayed there until the following April.

Until this time the names of Thaw and White had not been mentioned, although both began to figure actively in the girl's life long before 1907.

Q. When did you first meet Harry Thaw? A. In the winter of 1901, just before Christmas. I met him at a dinner at Rector's, and later he called several times at our apartments.

Q. Did you see Mr. Thaw while you were at school? A. Yes.

Q. Were you ill at school? A. Yes; I was operated on, while there, for appendicitis. I think Mr. Thaw called on me just before the operation took place. He also called on me after I had been removed to Dr. Bull's sanitarium at No. 22 West Thirtieth street.

Q. Where did you go after you left the private hospital? A. I joined mamma for a week at the hotel, and then we went to Europe together—mamma and I.

Q. Had Mr. Thaw talked to you about yourself on his first visit to you? A. Yes.

Q. Had he shown any evidence of affection for you? A. Yes.

Here Jerome objected again, saying the defense had not laid a sufficient foundation for the question, and was proposing to bring out, nevertheless, Mr. Littleton was permitted to go ahead.

Sent 74 Pounds of Beef.

A. Mr. Thaw first began to show evidence of affection for me just before I went to the hospital. I received from him flowers, candy and a vast amount of beef.

The witness's reference to a "vast amount of beef" being sent her by Thaw will later be used by the defense to show one of Thaw's idiosyncrasies. He sent her seventy-four pounds of beef in one bulk as she lay ill in the hospital.

Q. Did Mr. Thaw tell you, in the hospital, that he loved you? A. Yes.

Q. Did he call every day at the hospital? A. Yes, every day. He was affectionate in his language toward me. Just before I left the hospital he told me that he loved me. I can't remember what he said, but that was his general idea—he loved me. He sent me

flowers all the time. He had been at Pompton when I was operated upon.

Q. Tell me what happened before the operation. A. Well, I wasn't allowed to speak, but he entered the room, knelt at my side and kissed my hand. Then he went out.

Still there had been no mention of Stanford White's name. It was apparent that Littleton meant to keep out, as far as possible, all references to the part Stanford White played in this girl's early life.

Q. Who accompanied you and your mother to Europe? A. Bedford, Mr. Thaw's valet.

Q. Did Mr. Thaw join you in Paris? A. Jerome objected, but Evelyn Thaw had already nodded. Then she raised one hand to her lips, with a pretty, petulant gesture that seemed a trifle studied and theatrical.

Q. Were you ill in Paris? A. I was very weak and Mr. Thaw carried me around in his arms.

Q. Did Mr. Thaw stop at the same hotel where you lived? A. Yes. I was not allowed to go about much, and he called on me frequently in my apartment. His rooms were right across the hall.

Q. Did he express any affection for you while at the hotel? A. Yes, he did.

Q. Where did this take place? A. In the sitting-room of our suite, one evening after dinner. We were alone. My mother had gone to the theatre.

Q. How did he bring the subject up? A. He told me he loved me and wanted me to marry him. I didn't say anything, and he said I didn't care for him. At first I made no reply. Finally, I told him that I did care for him, but that I could not marry him. He insisted on knowing why. I wouldn't answer. Then he came over to me and asked me if it was on account of Stanford White. I said yes. He begged to tell me all about it. I said I didn't want to tell him about Stanford White, but he insisted. He said he wanted to marry me and wanted to know all about me.

As Mrs. Thaw approached the point where she was expected to tell the story she told Thaw of her downfall, the girl's voice sank lower and lower. It grew thick and husky and her face reddened. Suddenly Jerome stood up.

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from that time on," she continued. "He left the table at meal times very often. He often left his food untouched, and he rarely remained throughout a meal. I asked him the first day what troubled him. 'What's the matter?' I said to him. He told me that he could not tell me. I did not say anything more at that time."

Q. Did you sleep near him? A. His room adjoined mine. After I went to bed I heard him crying early one morning. Nearly every night I would find him up and walking about the floor, groaning. I often saw him up as late as 3 A. M.

Q. Did you see a light in his room and hear him groaning? I would go in and find him weeping and moaning. After repeated efforts I induced him to tell me his trouble.

Q. When was this? A. In about a week after his arrival. I should say in his room one night he finally confessed to me what troubled him.

Q. Do you recall the circumstance? A. It was about 3 o'clock. I heard him crying and went in. He then told me that he had learned to love a young woman who had been ruined by a man older than herself. I said to him if the girl's mother were living she ought to take care of her daughter. He said it was not the mother's fault, but that the mother had been careless. He said he could not give up the young woman, although she had been ruined. He did not tell me the girl's name and I did not ask him. He cried continually and sobbed as he told me all this.

Q. What was his manner before your next talk with him? A. I cannot remember. I was planning a wedding reception.

Q. When again did he talk to you about this? A. Just after the wedding. When I was in his room, and that night when I was in his room. His pillow was wet with tears. It was then that he told me the name of the girl. This was shortly before Thanksgiving.

Q. Did he tell you the name of the man in the case? A. He did.

Q. What name was it? asked Mr. Littleton.

"Stanford White," answered Mrs. Thaw, decisively, and in a clear voice, which could be heard all over the quiet courtroom. Mrs. Thaw continued:

"I didn't want to know much about this girl. I thought, since the burden of the girl's ruin did not rest on him, that his conscience was free, and that the girl was a mere child at the time she was ruined. I did not press him, for I did not want to seem interested. He said the girl's father had been a lawyer near Pittsburgh, but was now dead. He said the mother was living. I had never heard of the name before. He called her Evelyn Nesbit, but I paid little attention to that."

Q. Did you call in a doctor to see your son? A. I did.

Q. When did you next discuss the matter? A. He and I were at a Thanksgiving service at our new Presbyterian church. The choir was singing. When I heard him sobbing I turned to find him crying alone. On the way home I asked him what was the matter and he said: "Oh, mother, if things had been different, Evelyn might have been with us here." As we drove along he pointed out a little church and said Evelyn's grandmother used to attend there. I did not question him further, as I did not care to know about these things. The tears on his face were taken on an electric trolley.

"I recall distinctly," said the invalid, "that the choir was singing Kipling's 'Recessional,' to De Koven's music, when I turned to see him weeping. His whole face was convulsed and the tears were streaming down his face. I was not greatly surprised at this, because his periods of depression had been marked for days before. I never thereafter introduced the subject of his sorrow. I did not care to inquire further into the matter."

Q. How long did he remain at the house after the Thanksgiving service? A. I cannot recall Dr. Benjamin called it. I remember that Harry Nesbit was married to me in 1907.

Q. How much of the time was Harry at home in the house? A. Almost constantly. He would sit and stare vacantly, without seeing. Often, in the library, I found him thus.

Q. When did he leave to come to New York? A. Around Christmas.

Q. Do you recall having had another talk with him after Evelyn? A. Yes. I did it all casual. I know the details have never been told to you as they should have been related.

Q. At this juncture there was a pause. Jerome, marking Mrs. Thaw's feeble and distressed condition, suggested in a whisper to Littleton that it might be better to suspend for awhile. Thaw, half rising from his seat, seemed about to speak. His mother dropped her eyes to him and shook her head warningly. She then put her hand to her breast.

Q. Did your son execute a will at the time of this marriage? A. He executed several wills. On the day of his marriage he added a codicil to his will. I think he wrote the will proper a day or so before his marriage.

Q. Did you see your son, just before his marriage, seem excited? A. On the day before the wedding he was greatly excited. He feared he could not get the consent of Evelyn's mother, and as Evelyn was under age, he feared a hitch. He was greatly excited.

Q. Here Mr. Littleton suspended. He said he would not question Mrs. Thaw regarding her son's birth and early childhood until later.

Q. "I can go on if there is anything further to be asked regarding these matters," said the old lady bravely.

Q. "No, I have exhausted this branch of the inquiry," returned Littleton.

The nurse and an attendant led Mrs. Thaw away. A moment later Evelyn Nesbit Thaw took the stand.

Q. Do you know Harry Thaw? A. I have known him twenty-six years. I knew his father and I know his mother. I have frequently visited at their home. Q. How frequently? A. As often as

once a year. I should say. I usually stay a week or two at a time.

Q. Did he ever notice his physical appearance? A. Yes, often; as a child and small boy he was nervous. His face twitched often and he was frequently subject to violent paroxysms of crying for a good while. After such an attack he would be sullen and moody, with a staring, meaningless expression in his eyes and a nervous twitching of the hands, the eyes and the mouth. He would walk with his head in a peculiar, nervous way, also.

Q. Have you often talked with him? A. Yes, as a boy he never seemed able to entertain a sustained line of thought. In conversation he would fly rapidly from one unrelated subject to another. As a boy his remarks were frequently incoherent. As a youth he would fly from one subject to another as if his mind was incapable of being riveted on one thing for any length of time. I have observed these things throughout the twenty-six years I have known him.

Q. During the time you knew him did you ever conclude whether he was rational or irrational? A. Yes, irrational.

Q. Did you see him in December, 1907? A. Yes, at his mother's house. I was visiting there at the time. I talked to him one day in the library that month. He was greatly excited. He said he wanted to see me because he feared he had a terrible disease and thought he was going to die. He said he wanted to die. He told me he had got into great trouble over a girl. He said a man of position and influence had done him a grievous wrong and that he did not care to live. On mentioning this man he became absolutely hysterical. He walked back and forth wildly with his eyes apparently fixed on nothing, his face pale and twitching and his hands waving in the air. He remained in this state until a physician arrived. He struck me on this occasion as being distinctly irrational.

Q. Were any names mentioned by him on this occasion? A. No.

Q. Mr. Jerome was very considerate and gentle in his cross-examination: Q. Did you ever discuss this man's condition with his mother? A. Yes.

Q. Was he ever put under restraint? A. No, not to my knowledge.

Q. Was Thaw always at meals with the rest of the family? A. Not always.

Q. When he did appear at the table did he seem to have a good appetite? A. Yes, generally. Sometimes, however, he would leave the table abruptly, leaving his meals untouched.

Q. Never was Rational.

Q. Did he ever have friends at the house? A. I don't recall.

Q. Did he ever go into society? A. Very little, I think.

Q. Now, then, weighing all the things which you have observed, did you think he was merely a nervous, excitable person, or a person of pronounced unsound mind? A. In my opinion, he was never rational. He was never a person of mental vigor. He was never capable of sustained thought, but not until March, 1903, did it seem to me that he was absolutely unsound mind.

Q. Were his physical senses those of the average man? A. His sense of smell, taste, sight, touch seemed to be normal, so far as I could tell. His senses of perception seemed to me to be lacking. As to his other physical senses I had no means of knowing exactly.

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Q. I. You met more than one person who did not seem to be mentally normal? A. Yes, I think so.

Q. Have you ever had any opportunity to consider a high, nervous, excitable young man, who was in love with a nervous girl, who had refused him? Mr. Littleton objected, saying that the question was improper. Justice Lowell said that there had been no objection.

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Mother of Harry Thaw, Who Testified To-Day.



Mrs. William Thaw.

to the surprise of nearly everybody in the court, Evelyn Thaw was called to the stand after her husband's nurse had testified of his childhood eccentricities. She was dressed just as she had been at the last trial, in her plain blue suit, her big white collar and her violet lace hat. She came from the witness room, took the oath and mounted the chair, where she sat in an attitude of rigid alertness, with her face set and pale, her gloved hands folded in her lap. She sat bolt upright, holding her head well away from the back of the tall chair. All the color had fled from her rounded cheeks. The breast of her coat rose and fell under the strain of her breathing. But the ordeal was to be postponed.

Mr. Littleton, after whispering with one of his clerks, said: "Mrs. Thaw, we ask you to state whether or not you are a witness in this case." She answered: "I am, if I am a witness." I am informed that a witness whom I desire to question first has just arrived."

She nodded and slipped silently away to the witness room.

Doorman Takes Her Place.

To the place which she vacated came Policeman Thomas J. Lynch, who was a doorman at the Tenderloin station where Thaw was taken a prisoner after the shooting. Lynch, a good-looking young man, in full uniform, testified at the last trial.

Q. Did you see him on June 26, 1907? A. Yes, at his mother's house. I was visiting there at the time. I talked to him one day in the library that month. He was greatly excited. He said he wanted to see me because he feared he had a terrible disease and thought he was going to die. He said he wanted to die. He told me he had got into great trouble over a girl. He said a man of position and influence had done him a grievous wrong and that he did not care to live. On mentioning this man he became absolutely hysterical. He walked back and forth wildly with his eyes apparently fixed on nothing, his face pale and twitching and his hands waving in the air. He remained in this state until a physician arrived. He struck me on this occasion as being distinctly irrational.

Q. Were any names mentioned by him on this occasion? A. No.

Q. Mr. Jerome was very considerate and gentle in his cross-examination: Q. Did you ever discuss this man's condition with his mother? A. Yes.

Q. Was he ever put under restraint? A. No, not to my knowledge.

Q. Was Thaw always at meals with the rest of the family? A. Not always.

Q. When he did appear at the table did he seem to have a good appetite? A. Yes, generally. Sometimes, however, he would leave the table abruptly, leaving his meals untouched.

Q. Never was Rational.

Q. Did he ever have friends at the house? A. I don't recall.

Q. Did he ever go into society? A. Very little, I think.

Q. Now, then, weighing all the things which you have observed, did you think he was merely a nervous, excitable person, or a person of pronounced unsound mind? A. In my opinion, he was never rational. He was never a person of mental vigor. He was never capable of sustained thought, but not until March, 1903, did it seem to me that he was absolutely unsound mind.

Q. Were his physical senses those of the average man? A. His sense of smell, taste, sight, touch seemed to be normal, so far as I could tell. His senses of perception seemed to me to be lacking. As to his other physical senses I had no means of knowing exactly.

Q. Did you ever talk about him with his mother? A. Yes; his mother had an anxiety regarding him, and she used to speak to me about his appearance and his behavior.

Q. I. You met more than one person who did not